

July 21, 2011

TO: Teresa Parsons, SPHR  
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR  
Director's Review Program Investigator

SUBJECT: Peg Hayes-Tipton v. Parks & Recreation Commission (PARKS)  
Allocation Review Request ALLO-10-061

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to February 23, 2010, the date PARKS Human Resources (HR) received Ms. Hayes-Tipton's request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Ms. Hayes-Tipton's assigned duties and responsibilities, I conclude her position is properly allocated to the Custodian 2 classification.

### **Background**

On February 23, 2010 PARKS Human Resources Office received a Classification Questionnaire (CQ) from Margaret (Peg) Hayes-Tipton's supervisor, Melanie Ford-Bissey, asking that her position be reallocated to Custodian 3. (Exhibit B-2). That CQ was originally signed by Margaret Hayes-Tipton and Melanie Ford-Bissey on August 13, 2009.

By letter dated October 26, 2010, PARKS notified Ms. Hayes-Tipton that her position was properly allocated as the Custodian 2 classification (Exhibit B-1).

On November 24, 2010, the Department of Personnel received Ms. Hayes-Tipton's letter of appeal requesting a Director's review of PARK's allocation determination (Exhibit A-1).

On May 18, 2011, I conducted a Director's telephone review conference. Present during the conference were Peg Hayes-Tipton; Phyllis Naiad, Senior Field Representative, WFSE; Kathy Andruss, Council Representative, WFSE; Sherri Clarke, Classification Manager, WFSE; Jeff Wheeler, Park Ranger 4; Jose Vidales, Human Resources Consultant; and George Price, Human Resources Consultant.

The parties submitted additional information following the review telephone conference. The last information was received on June 7, 2011. This information has been added to the record and incorporated as an exhibit to the file.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

Ms. Hayes-Tipton performs custodial and minor maintenance for the public facilities of the Cama Bay State Park. Ms. Hayes-Tipton is responsible for ensuring the overnight guest and other facilities are properly cleaned and prepared for overnight guests and daily public use.

Her assigned duties and responsibilities are described in the CQ as follows:

- 60% Ensures that all overnight facilities and public restrooms are cleaned and prepared for public use. Working with the Conference Coordinator, to develop cleaning methods, cleaning schedules and choosing cleaning products. Annually reviews these methods, schedules and products to increase efficiency and green techniques. Trains staff on proper cleaning techniques and safety practices. Inspects cabins, bungalows and public restrooms reporting to CCR, ensuring that the facilities are maintained to industry standards. Lead and/or supervises assigned staff performing various custodial duties. Sets up cleaning schedules, assigns duties to daily cleaning crew; ensures that the facility cleaning schedule meets the anticipated deadlines. Identifies, reports, and takes corrective action to resolve maintenance problems as needed.
- 20% Work with maintenance staff to schedule and prioritize repairs and routine maintenance for cabins and public restrooms. Ensures that reservation staff is kept informed of status of overnight and public facilities. Evaluates the performance of the cleaning crew against established industry standards. Counsels cleaning crew on performance and recommends areas where they could improve and recommends corrective action when necessary. Interview personnel being considered for employment making recommendations and/or fills the position.
- 5% Orders and maintains inventory of equipment and supplies used to clean and maintain overnight and public use facilities. Recommends furnishings or decoration of public facilities. Assists with acquisition and storage of furniture, appliances, mattresses, blankets, lamps, tables, chairs, bed frames, curtains, light bulbs, guest cleaning supplies and other household items. Keeps an inventory of furnishings, supplies and equipment; prepares reports.
- 5% Proficient at housekeeping portion of SMSHost to determine work strategy and personnel needed to complete housekeeping requirements for each day.
- 5% Assists CC4 with management of ongoing rodent issues at park facilities. Maintain contact with pest management company. Assists with choosing and setting up contracts for projects as well as ongoing work. Assists field staff in grounds maintenance, set up of events, and other areas as time allows.

5% Performs all other duties assigned.

The Cama Beach State Park has approximately 40 buildings to maintain. During the review conference, Ms. Hayes-Tipton explained that she is in charge of overseeing and performing custodial duties for all open areas, 34 cabins, the historic house, the public bath house, the restroom on the bluff and the welcome center. Mr. Wheeler, Area Manager and Head Park Ranger stated staff functions at the park include serving as park rangers, providing daily shuttle services, providing daily cleaning of park facilities, and performing other administrative and clerical services. He stated the park exceeded its business plan for public attendance upon opening which exceeded assigned staffing levels for the cleaning function. Due to high attendance during the summer months there is a four-hour window to clean the cabins. Because of this everyone on staff has a duty to periodically clean cabins on a recurring basis based on the master work schedule.

Mr. Wheeler stated he develops the park's master work schedule and all employees are scheduled to assist in cleaning cabins. He stated during peak periods there may be as many as six or seven staff cleaning cabins. Mr. Wheeler stated he makes the overall work assignment for park staff (including Park Rangers) to assist Ms. Hayes-Tipton in cleaning the cabins. Therefore on a daily basis, Ms. Hayes-Tipton provides work direction to all staff assigned to cleaning cabins. He stated that while he provides the specific work assignment for the day to clean facilities, Ms. Hayes-Tipton is in charge of their work while they are cleaning the Park's facilities.

Mr. Wheeler and Ms. Ford-Bissey, believes Ms. Hayes-Tipton's position should be reallocated to the Custodian 3 class.

#### Summary of Ms. Hayes-Tipton's Perspective

Ms. Hayes-Tipton asserts her position leads park aides, Park Rangers, and other staff on a daily basis to clean cabins and other facilities. Ms. Hayes-Tipton contends the scope of her work for planning, coordinating, and leading a daily cleaning crew fits within the intent and scope of the Custodian 3 class.

#### Summary of Park's Reasoning

PARKS acknowledges that Ms. Hayes-Tipton leads and/or supervises two seasonal non-permanent Park Aide positions approximately four months of the year. PARKS argues that Ms. Hayes-Tipton has not been delegated lead responsibility on a permanent and ongoing basis for a minimum of one FTE. PARKS contends for the time period under review, Ms. Hayes-Tipton did not have lead authority over other higher level staff assigned by the Park manager to clean park cabins under Ms. Hayes-Tipton's direction to meet daily occupancy requirements. PARKS argues this level of responsibility is best characterized as "directing the work" of others per the definition in the DOP Glossary of Classification Terms. PARKS further contends the Custodian 2 typical work provides for supervision of lower-level staff.

#### Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

The Class Series Concept for the Custodian series states:

Positions in this occupational category perform a variety of custodial, housekeeping, and general maintenance functions to maintain the cleanliness and care of state agencies', facilities, and institutions.

Ms. Hayes-Tipton's position includes responsibility for performing a variety of custodial and general maintenance functions. Her position fits within the scope of the Custodial class series.

There are no distinguishing characteristics identified in the Custodian 2 or 3 classes. As a result, the Definitions are the primary allocating factors for these classes.

### Comparison of duties to Custodian 3

The Definition for this class states:

Positions in this level lead and/or supervise assigned personnel performing various custodial and housekeeping duties. Regularly assigns, instructs and checks the work of others. Interviews and recommends selection of applicants, conducts training, assigns and schedules work, acts upon leave requests, conducts annual performance evaluations and recommends disciplinary action.

The Department of Personnel's Glossary of Classification Terms defines "lead" as: "An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis."

The Glossary also defines the term "Direct the Work of Others" as someone who, "Provides work guidance or direction but is NOT a "lead"; does NOT have the responsibility of assigning, instructing and checking the work of others on a regular and ongoing basis."

Ms. Hayes-Tipton's position does not fully reach the overall scope of responsibility of a lead custodian as stated in the definition for this class. While it is uncontested that she leads and/or supervises two non-permanent park aide positions, her responsibility for providing work guidance to other staff who were assigned by the park manager to assist in cleaning the cabins is best described as providing work direction as defined in the DOP Glossary of Classification terms. These employees are assigned to perform periodic cleaning of cabins. It is not a "regular and ongoing" function of their assigned position duties. The scope of Ms. Hayes-Tipton's responsibility involves providing work direction and guidance to those staff while they are assigned to clean the cabins. Her responsibility for providing work direction only applies to the cleaning function. She does not have the designated responsibility to assign, instruct, or check the full range of their assigned duties within the scope of their position on a regular and ongoing basis.

It is uncontested that during the time period under review Ms. Hayes-Tipton led and/or supervised two non-permanent park aide positions. However, the total number of full-time hours worked by the non-permanent Park Aide positions did not reach 1 FTE during the time period under review.

Additionally, supervision of lower level staff is provided for in the Custodian 2 class. With regard to the park ranger or other classified staff assigned to clean cabins on a periodic basis, Ms. Hayes-Tipton provided work direction but did not lead those staff within the context of the requirements of the definition of "lead" as stated in the Custodian 3 class. Therefore, Ms. Hayes-Tipton's position did not meet the threshold for leading employees whose combined hours total one or more FTE.

The PRB has addressed the one FTE standard applied by previous Boards. The PRB agreed "there must be a threshold which can be objectively applied to each set of duties and responsibilities when determining the appropriateness of allocation to a lead or supervisory class." The PRB further concurred "the established threshold of 1.0 FTE should continue to be used as the basis for determining the appropriateness of allocation to a lead or supervisory class." Tacoma Community College v. Edward Harmon, PRB Case No. R-ALLO-08-012 (2008), citing Halcomb v. Shoreline Community College, Higher Education Personnel Board (HEPB) Case No. 3453 (1992); Baker v. University of Washington Health Services, Personnel Appeals Board (PAB), Case No. 3821-A3 (1994); and Washington State University v. Marc Anderson, PAB Case No. ALLO-04-005 (2004).

For each of these reasons Ms. Hayes-Tipton's position is precluded from allocation to the Custodian 3 class.

#### Comparison of duties to Custodian 2

The Definition for Custodian 2 (Cust.2) states:

Positions in this level perform various housekeeping, custodial, and maintenance related tasks to ensure and maintain proper cleanliness of facilities, institutions and/or the Governor's mansion. Positions repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the level and scope of work performed by that class. The typical work statements provide for the supervision of lower-level staff as follows:

"May supervise lower level staff."

Ms. Hayes-Tipton performs a variety of custodial and general maintenance tasks. A portion of her duties regarding the supervision of lower level staff overlaps with Custodian 3 lead responsibility. However, the total number of full-time hours worked by employees for whom she leads does not reach the 1 FTE requirement. While a portion of Ms. Hayes-Tipton's position duties reaches aspects of the work described at the Custodian 3 level, the majority of her duties are described by and fit within the Custodian 2 class.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced Allegrì v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. It is clear that Ms. Hayes-Tipton is a very productive and highly-valued member of the Cama Beach State Park staff. However, a position's allocation is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. Based on the level and scope of the overall duties and responsibilities assigned to Ms. Hayes-Tipton's position, the Custodian 2 classification is the best fit.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911.

You may file in person at 521 Capitol Way South, Olympia, Washington. Fax number (360) 586-4694.

For questions, please call (360) 664-0388.

If no further action is taken, the Director's determination becomes final.

c: Peg Hayes-Tipton PARKS  
Phyllis Naiad, WFSE  
Jose Vidales, PARKS  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**Peg Hayes-Tipton v. Everett Community College**

ALLO-10-061

List of Exhibits

A. Director's Review Request from Margaret Tipton-Hayes, received November 24, 2010 with attachments:

1. Cama Beach Area work schedules (22 pages).
2. Performance and Development Plan/Expectations for Margaret Hayes-Tipton for the period 2/1/09-1/31/10.
3. Two email strings regarding clarification to the CQ dated August 30, 2010; and an email regarding reallocation revision of duties and lead status, dated November 1, 2010.
4. Emails from Ms. Hayes-Tipton to employees regarding cabin cleaning training, dated Nov-Dec 2009.
5. Budget examples:
  - a. Email from Jamie King to Camano Island State Park with attached budget worksheets
  - b. Emails regarding supplies/equipment ordering for the period Jan-February 2010.

Cover letter from Phyllis Naiad to Karen Wilcox dated April 6, 2011 enclosing additional exhibits:

6. Cama Beach Custodian Notebook (43 pages).
7. Classification Questionnaire for Kevin Koch with email indicating it is his CQ.
8. Classification Questionnaire for Jeff Boyles.
9. Email string Feb. 22, 2010 showing Ms. Hayes-Tipton directing the work of Park Staff including Rangers in reference to cleaning cabins

B. Cover letter from Joe Vidales to Karen Wilcox received December 17, 2010 with attachments:

1. Reallocation Determination letter from Joe Vidales to Margaret Hayes-Tipton dated October 26, 2010.
2. Classification Questionnaire, for Ms. Hayes-Tipton dated 8/13/09.
3. DOP Class specification for Custodian 2.
4. DOP Class specification for Custodian 3.
5. Director's Review Decision, Thompson v. CWU ALLO-07-118.
6. Park Aide Classification Questionnaire for position T976.
7. Park Aide Classification Questionnaire for position T978.
8. Cama Beach Area Organizational Chart

9. Cover letter from Joe Vidales to Karen Wilcox dated January 19, 2011 submitting additional exhibits:
  - 1) Response statements to Ms. Hayes-Tipton's additional exhibits.
  - 2) Email string regarding Classification Questionnaire duties:
    - a. Email from Jose Vidales to Melanie Ford-Bissey dated 8/17/10,
    - b. Email from Melanie Ford-Bissey to Jose Vidales dated 9/14/10,
    - c. Email from Jose Vidales to Melanie Ford-Bissey dated 9/15/10,
    - d. Email from Jose Vidales to Melanie Ford-Bissey dated 9/16/10,
    - e. Email from Melanie Ford-Bissey, inserted with Tom Rigs' responses, dated 9/16/10,
    - f. Email from Tom Riggs to Jose Vidales dated 10/8/10,
    - g. Email from Jose Vidales to Tom Riggs at Camano Island State Park dated 10/14/10,
    - h. Email from Tom Rigs at Camano Island State Park to Jose Vidales dated 10/14/10.
  - 3) Classification Questionnaire for Chris Kuehne, position number 1425 - Custodian 2.
  - 4) PRB Decision, PARKS v Gandy, Cummins, Olson R-ALLO-07-010, R-ALLO-07-011, and R-ALLO-07-013.
  - 5) PRB Decision, PARKS v Quan McCoy R-ALLO-09-017.
  - 6) PRB Decision, PARKS v Harold Heather R-ALLO-09-018.
  - 7) PAB Decision, WSU v Marc Anderson ALLO-04-0005
  - 8) Email string regarding non-permanent appointment for Peg Hayes-Tipton to Custodian 3:
    - a. Email from Jose Vidales to Melanie Ford-Bissey and Tom Riggs dated 10/26/10,
    - b. Email from George Price to Michelle Salsman dated 10/27/10
    - c. Email from Jose Vidales to Tom Riggs and Melanie-Ford Bissey dated 11/5/10.
  - 9) HRMS "Overview Organization Assignment" screen shot identifying non-permanent appointment to Custodian 3.
  - 10) PARKS HR response to the additional exhibits submitted by the employee's representative on April 6, 2011, submitted May 6, 2011.
  - 11) Letter from Joe Vidales to Margaret Hayes-Tipton dated June 14, 2010, indicating February 23, 2010 as the effective date for the reallocation request.
  - 12) Email from Jose Vidales to Kris Brophy dated June 7, 2011 with employee personnel action information for park aide positions.
  - 13) Spreadsheet providing personnel action information for park aide positions.



14) Letter from Jose Vidales to Kris Brophy dated May 26, 2011 enclosing:

- 1) Personnel action forms regarding Chris L. Kuehne
- 2) HRMS screen shots of personnel actions for park aide positions
- 3) Timesheets for Chris Kuehne.

C. Director's Exhibits

1. Email string between Teresa Parsons and parties regarding exhibit submittal process.